

Remarks/Arguments:

Claims 1-4 and 6-15 were pending.

Claims 6-8, 10, 11, 13 and 14 were rejected under 35 U. S. C. 112, second paragraph, as being indefinite because claim 6 was dependent upon canceled claim 5, and because the volume percent of methanol was left out of claim 14 as presented in the previous communication. Claim 6 has been amended to be made dependent on claim 4. The word "one" to indicate the volume percent methanol has been restored to claim 14. Applicants point out that the volume percent methanol of "1" was present in the application as filed and was inadvertently left out of the presentation of claims in the previous communication (filed on August 9, 2004) in which claim 14 was designated as "Original". Thus the current change to claim 14 (although called an amendment above for the purpose of locating the correction) merely corrects a typographical error in the communication of August 9, 2004, and is not an amendment to claim 14.

Claims 1, 4, 6, and 12 were rejected under 35 USC 103(a) as being unpatentable over 6,258,859 to Dahayanake *et al.* With respect to claim 1, Dahayanake states that an organic acid may be present in amounts up to about 10%; applicants have amended claim 1 to claim organic acids at a concentration greater than about 11%.

With respect to claim 4, Dahayanake (col. 7, lines 17-23) states that "As an alternative to the organic salts and inorganic salts, or as a partial substitute therefore, one can use a medium to long chain alcohol (preferably an alkanol), preferably having five to ten carbon atoms, or an alcohol ethoxylate (preferably an alkanol ethoxylate) preferably of a 12 to 16 carbon alcohol and having 1 to 6, preferably 1-4, oxyethylene units" and (col. 8, lines 8-12) "It has been found in some instances preferable to dissolve the thickener into a lower molecular weight alcohol prior to mixing it with the aqueous solution. The lower molecular weight alcohol, for instance isopropanol, functions as an aid to solubilize the thickener. Other similar agents may also be employed." Aside from this reference to lower molecular weight alcohol, that might or might not include methanol and/or ethanol, and the comment that a small amount of methanol may be a by-product of the synthesis of an intermediate from which a suitable surfactant may be made (col. 5, line 51), there is no mention of methanol or ethanol in Dahayanake. Conversely,

the current specification states (in paragraph [0012]) that the fluid comprises: "n-alcohol, typically selected among methanol and/or ethanol, and most preferably being methanol." The current specification further states (in paragraph [0014]) that: "Most preferably the compositions of the present invention comprise methanol, preferably at concentration of between about 1% and about 10%, by volume, most preferably at concentration of between about 5 and 10% by volume. Methanol essentially performs two functions: it improves the gel viscosity of the spent acid at high temperature and prevents the gelling of unspent solution of moderate acid strength (below 20wt% of hydrochloric acid)." The current specification further states (in paragraph [0025]) that: "The addition of methanol (plain line) is detrimental to the quality of the gel at lower temperatures but helps extends the temperature at which the gel exhibits the maximum viscosity." Therefore, Dahayanake teaches only "lower molecular weight alcohol, for instance isopropanol" as a solvent and "medium to long chain alcohols" (preferably C₅ to C₁₀) that "aids the development of increased viscosity" (col. 6, lines 51-52). The present application teaches and claims only methanol and ethanol. It is not obvious from Dahayanake that methanol and ethanol would beneficially affect gel properties. The following Hildebrand solubility parameters may be obtained from many references:

methanol	14.5
ethanol	13.0
isopropanol	11.5
<i>n</i> -butanol	11.4
<i>n</i> -pentanol	11.0

Isopropanol is a lot more like *n*-pentanol than it is like methanol or ethanol. In view of these data, the fact that Dahayanake teaches that C₅ to C₁₀ alcohol "aids the development of increased viscosity" would not lead one to expect that methanol or ethanol "improves the gel viscosity of the spent acid at high temperature and prevents the gelling of unspent solution of moderate acid strength (below 20wt% of hydrochloric acid)" and "extends the temperature at which the gel exhibits the maximum viscosity".

Claims 2, 3 and 9 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims. Applicants believe that these claims are dependent on amended claims now allowable.

Claim 15 was allowable over the art of record.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any additional required fee, or credit any excess fee paid, to Deposit Account 04-1579 (56.0630).

Respectfully submitted,



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